

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ATLANTIC RECORDING CORPORATION,)
a Delaware corporation; BMG MUSIC, a)
New York general partnership; CAPITOL)
RECORDS, LLC, a Delaware limited)
liability company; SONY BMG MUSIC)
ENTERTAINMENT, a Delaware general)
partnership; UMG RECORDINGS, INC., a)
Delaware corporation; WARNER BROS.)
RECORDS INC., a Delaware corporation;)
and ELEKTRA ENTERTAINMENT GROUP)
INC., a Delaware corporation,)

Plaintiff,)

vs.)

DOES 1-3,)

Defendants.)

4:08CV3177

ORDER

**ON MOTION FOR LEAVE TO
TAKE IMMEDIATE DISCOVERY**

This matter is before the court on plaintiffs' motion [3] for leave to take immediate discovery from the University of Nebraska-Lincoln (UNL). The court has allowed similar relief in related cases involving the UNL.

Upon review of the plaintiffs' written submissions (Filings 3, 4 & 5), the court finds that plaintiffs' motion should be granted, subject to the conditions set forth in this order.

IT IS ORDERED that plaintiffs' motion for leave to take immediate discovery [3] is granted, subject to the following conditions:

1. Plaintiffs may serve immediate discovery on the University of Nebraska - Lincoln to obtain the identity of each Doe Defendant by serving a [Rule 45](#) subpoena that seeks documents that identify each Doe Defendant, including the name, current (and permanent) addresses and telephone numbers, e-mail addresses, and Media Access Control addresses for each Defendant. The subpoena may also seek all documents and electronically-stored information relating to the assignment of any IP address which UNL cannot link to a specific Doe Defendant. The disclosure of this information is ordered pursuant to [20 U.S.C. § 1232g\(b\)\(2\)\(B\)](#).

2. Any information disclosed to plaintiffs in response to the Rule 45 subpoena may be used by plaintiffs solely for the purpose of protecting plaintiffs' rights under the Copyright Act.

3. Plaintiffs shall serve their Rule 45 subpoena no later than **September 15, 2008** and shall, no later than **September 30, 2008**, electronically file proof of service with the court, showing the names and addresses of the persons to whom the subpoena was sent, together with a copy of the subpoena. Failure to do so may result in the revocation of permission to conduct immediate

discovery or the summary denial of any motion filed by the plaintiffs to compel compliance with the subpoena.

4. If properly served, the University of Nebraska - Lincoln shall provide written notice of plaintiffs' subpoena to each Doe defendant within five (5) business days of its receipt of plaintiffs' subpoena. Notice by email will suffice. UNL is requested to file with the Clerk of the Court a notice or certificate showing compliance with this paragraph.

5. If UNL or any Doe defendant wishes to file an objection or move to quash the subpoena, they must do so before the return date of the subpoena, which shall be twenty (20) calendar days from the date of service on UNL. If the 20-day period elapses without any party filing an objection or a motion to quash, UNL shall have ten (10) business days after said lapse to produce each defendant's name, address, telephone number, e-mail address, and Media Access Control address to plaintiffs pursuant to the subpoena.

6. If and when UNL is properly served with a subpoena, UNL shall immediately preserve the subpoenaed information pending resolution of any timely-filed motion to quash.

7. The plaintiffs shall effect service of summons and the complaint on each and every defendant no later than **December 18, 2008**.

8. Any requests by plaintiffs, defendants, UNL, any other interested party for changes of the deadlines established by this order shall be directed to the undersigned magistrate judge by electronically-filed written motion. A proposed order must be forwarded to chambers by email to gossett@ned.uscourts.gov.

DATED August 25, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**